

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IDENIX PHARMACEUTICALS LLC,  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI, CENTRE NATIONAL DE LA  
RECHERCHE SCIENTIFIQUE and  
L'UNIVERSITE MONTPELLIER,

Plaintiffs,

v.

C.A. No. 13-1987-LPS

GILEAD SCIENCES, INC. and GILEAD  
PHARMASSET LLC,

Defendants.

IDENIX PHARMACEUTICALS LLC,  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI, CENTRE NATIONAL DE LA  
RECHERCHE SCIENTIFIQUE and  
L'UNIVERSITE MONTPELLIER,

Plaintiffs,

v.

C.A. No. 14-109-LPS

GILEAD PHARMASSET LLC,

Defendant.

IDENIX PHARMACEUTICALS LLC  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI,

Plaintiffs,

v.

C.A. No. 14-846-LPS

GILEAD SCIENCES, INC.

Defendant.

**DEFENDANTS' MOTION TO PHASE TRIAL**

PLEASE TAKE NOTICE that Defendants Gilead Sciences, Inc. and Gilead Pharmasset LLC (“Gilead”), by its undersigned counsel, respectfully move this Court to phase trial scheduled to begin on December 5, 2016, with a first phase consisting of Gilead’s invalidity case, and a second phase, taking place only if the jury finds the patent-in-suit to be valid, consisting of Idenix’s damages and willful infringement case. The grounds for this motion are set forth in the Opening Brief of Gilead in Support of its Motion to Phase Trial.

Dated: November 18, 2016

FISH & RICHARDSON P.C.

By: /s/ Joseph B. Warden

Douglas E. McCann (#3852)  
Martina Tyreus Hufnal (#4771)  
Elizabeth M. Flanagan (#5891)  
Santosh V. Coutinho (#5470)  
Joseph B. Warden (#5401)  
222 Delaware Avenue, 17th Floor  
Wilmington, DE 19899  
(302) 652-5070  
dmccann@fr.com; hufnal@fr.com;  
eflanagan@fr.com; coutinho@fr.com;  
warden@fr.com

W. Chad Shear (#5711)  
Jonathan E. Singer  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, CA 92130  
(858) 678-5070  
shear@fr.com; singer@fr.com

John M. Farrell  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Telephone: (650) 839-5070  
jfarrell@fr.com

Tasha M. Francis  
FISH & RICHARDSON P.C.  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
tfrancis@fr.com

Corrin N. Drakulich  
FISH & RICHARDSON P.C.  
1180 Peachtree St., N.E., 21<sup>st</sup> Floor  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
[drakulich@fr.com](mailto:drakulich@fr.com)

**ATTORNEYS FOR DEFENDANTS**  
**GILEAD SCIENCES, INC. AND GILEAD PHARMASSET**  
**LLC**